

**IN THE US PATENT AND TRADEMARK OFFICE**

In re Application of:

Edward F. DeLong et al.


Group: 1637

Serial No: 09/847,513

Examiner: Teresa E. Strzelecka

Filed: May 1, 2001

For: Light-Driven Energy Generation Using Proteorhodopsin

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on	
 Signature	<u>5/5/03</u> Date of deposit
<u>Jacqueline Guerso</u> Name of Person Signing	

**REPLY UNDER 37 CFR 1.111**

Assistant Commissioner for Patents  
Washington, DC 20231

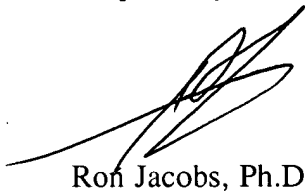
Sir:

In reply to the Office Action dated 4/3/2003, the Applicants provisionally elect with traverse, according to 37 CFR 1.143, invention I (Claims 1, 2, 3-6, 7, and 37-44) drawn to a proteorhodopsin gene with SEQ ID NO:4. The reason for traverse is that claims 1 and 2 are generic to the clones claimed in dependent claims 7-36, which is acknowledged by the Examiner in the Office Action on page 2, item 1 stating "Claims 1 and 2 link(s) inventions I-XXX. Furthermore, the Applicants traverse the restriction requirement to inventions

XXXI-LX since claim 45 is generic to the clones claimed in dependent claims 51-80, which is acknowledged by the Examiner in the Office Action on page 2, item 2 stating "Claims 45 link(s) inventions XXXXI-LX.

According to 35 USC 21(b) the reply is hereby timely filed within one month from the date of the Office Action and therefore no extension of time for reply is required.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ron Jacobs", written over a horizontal line.

Ron Jacobs, Ph.D.

Reg. No. 50,142

Lumen Intellectual Property Services, Inc.  
45 Cabot Avenue, Suite 110  
Santa Clara, CA 95051-6670  
(408) 260-7300 x18